4.3 BIOLOGICAL RESOURCES

4.3.1 Setting

This section addresses the potential biological resources impacts related to the proposed Agricultural Cluster Subdivision Program. This section describes the biological resources (e.g. sensitive species, natural communities) found within the project area and throughout the county. Impacts of the proposed program have been evaluated and mitigation measures recommended where appropriate.

a. Biological Characterization of San Luis Obispo County. San Luis Obispo County is biologically diverse due to its physiographic diversity (including Coastal areas, mountains, and arid interior). The County includes multiple sensitive plant and wildlife species, as well as a wide range of natural communities.

The California Natural Diversity Database (CNDDB, 2011) was searched in order to determine the diversity of special-status species within each planning area that could be affected by development under the proposed ordinance revisions. The United States Fish and Wildlife Service (USFWS) unofficial sensitive plant and animal lists (USFWS July 2009) and the California Department of Fish and Game (CDFG) sensitive plant and animal lists (CDFG July 2009) were also reviewed. These databases/lists contain records of reported occurrences of sensitive resources including: 1) federal- and state-listed endangered or threatened species; 2) federal and state species of special concern; 3) rare and/or endangered plants as specified by the California Native Plant Society (CNPS Lists IA, IB, and 2); and 4) sensitive vegetation communities. The California Native Plant Society's (CNPS) Inventory of Rare and Endangered Vascular Plants of California (Tibor 2001) was also reviewed to provide information on rare plants that were expected to occur in the area. Vegetation/habitat types were classified based on CDFG Preliminary Descriptions of the Terrestrial Natural Communities of California (R. Holland 1986).

b. Habitat Types within Project Area. The project area is comprised of multiple different natural communities. The term "natural community" is generally intended to refer to plant and wildlife associates in specific habitat types. Some natural communities are considered rare or sensitive by the regulatory agencies. Natural communities classified as "rare" are habitats that are either known or believed to be of high priority by the CDFG. The varied vegetation communities within the project area are displayed in Figure 4.3-1.

c. Vegetative Formations within Project Area. In 2008, the County of San Luis Obispo contracted with Aerial Information Services to create a baseline structural vegetation map and oak survey for the entire county. This analysis was used to summarize and map the vegetative formations (refer to Table 4.3-1 and Figure 4.3-1) and oak woodlands (refer to Table 4.3-2 and Figure 4.3-2) within the project area.

Agricultural land, herbaceous vegetation (primarily non-native grasslands), and urbanized areas comprise 78 percent of the project area. These areas have relatively low habitat value as they are either developed with structures or have historically been disturbed by agricultural activities. Areas defined as agricultural land have been actively farmed (rotational, vineyards, orchards) in recent years and grasslands in the project area are heavily used for livestock grazing.

Approximately 20 percent of the project area is comprised of shrubs and trees, many of which are native oaks. As shown in Table 4.3-2, below, the project area contains over 22,000 acres of oak woodlands consisting of four separate species. Coast live oak is the most common species both countywide and within the project area. Most stands of coast live oak have an herbaceous understory and are found in moderately dense woodland settings. While coast live oak is the only species present in the Coastal project area, blue oaks and valley oaks are common in the Inland project area. Blue oaks are primarily located in the North County, where they are found on all slopes except valley bottoms. Valley oaks are commonly found in riparian areas along with Fremont cottonwood, California sycamore and red willow. Two percent of the project area consists of wooded and herbaceous wetlands, primarily located in riparian zones.

Table 4.3-1: Vegetative Formations within the Project Area

Vegetative Formation	Inland Project Area (acres)	Coastal Project Area (acres)	Total (acres)
Tree	16,273	6,120	22,393
Shrub	6,420	6,436	12,856
Herbaceous (grasslands)	49,444	35,678	85,122
Wooded Wetland	3,193	1,383	4,576
Herbaceous Wetland	147	98	245
Natural Unvegetated	1,004	32	1,036
Water	304	52	356
Urban (developed)	7,014	871	7,885
Agriculture	45,913	4,400	50,313
Total	**129,712**	**55,070**	**184,782**

Source: *County of San Luis Obispo Vegetation Mapping Report, November 2009.*

Table 4.3-2: Oak Woodlands within the Project Area

Species	Inland Project Area (acres)	Coastal Project Area (acres)	Total (acres)
Coast Live Oak - Mixed Hardwoods	865	1,648	2,513
Coast Live Oak	6,497	3,297	9,794
Coast Live Oak - Blue Oak	1,842		1,842
Blue Oak - California Juniper	3		3
Blue Oak	5,642		5,642
Valley Oak	2,272		2,272
Canyon Oak	24		24
Total	**17,145**	**4,945**	**22,090**

Source: *County of San Luis Obispo Vegetation Mapping Report, November 2009.*

d. Special-status Species. For the purpose of this report, special-status species are those plants and animals listed, proposed for listing, or candidates for listing as threatened or endangered by the U.S. Fish and Wildlife Service (USFWS) under the federal Endangered Species Act (ESA); those considered "species of concern" by the USFWS; those listed or proposed for listing as rare, threatened, or endangered by the California Department of Fish and Game (CDFG) under the California Endangered Species Act (CESA); animals designated as "Fully Protected Species" or "Species of Special Concern" by the CDFG; and the CDFG *Special Vascular Plants, Bryophytes, and Lichens List* (September 2004). This latter document includes the California Native Plant Society (CNPS) *Inventory of Rare and Endangered Vascular Plants of California, Sixth Edition* (Tibor, 2001) as updated online. Those plants contained on CNPS lists 1B and 2 are considered special-status species in this EIR. The general locations of special-status species sightings relative to the project area are displayed in Figure 4.3-3. It should be noted that this mapping is primarily based on CNDDB species accounts that are submitted to the state by qualified individuals (e.g., biologists). Such accounts are typically generated where development is proposed. Therefore, areas that have little development and few accounts may have a greater diversity than what is indicated.

Special-Status Plants. Based on information obtained by the review of existing literature and a search of the CNDDB, a total of 125 special-status plant species were identified as having the potential to occur within the County. As listed in Table 4.3-4, 68 of these species have the potential to occur or are known to occur within the project area.

Special-Status Wildlife. Based on information obtained by the review of existing literature, a search of the CNDDB, and analysis of the habitat types present, a total of 79 special-status animal species were identified as potentially occurring within the county. As listed in Table 4.3-5, 36 of these species have the potential to occur or are known to occur within the project area. One such species is the San Joaquin kit fox, an endangered species under the federal ESA and a threatened species under the CESA. In San Luis Obispo County, kit foxes range from the grasslands and oak woodlands of the Salinas Valley in the north-central part of the county to the arid scrub habitat of the San Joaquin Valley and Carrizo Plains in the southeastern part of the county. Due to the loss and fragmentation of its habitat, kit fox numbers have greatly declined in recent years. The County has established a mitigation fee program which allows individual projects to pay into a mitigation bank to offset impacts on kit fox habitat. As shown in Figure 4.3-4, the northern portion of the project area includes approximately 50,000 acres of land within a kit fox mitigation fee area.

e. Wildlife Movement Corridors. Wildlife movement corridors occur between different plant communities and between similar plant communities that are non-contiguous. As new development is proposed, retaining these corridors will allow species to travel between different habitats and provide for physical and genetic exchange between animal populations. Migration corridors provide critical linkages between what has or may become larger "islands" of intact native vegetation. Drainage courses, such as the Salinas River, and adjacent upland habitat typically function as migration corridors providing water and cover for animals.

Functioning migration corridors occur at various scales. The Salinas River, for example, is a large scale corridor that has an obvious tree and shrub lined corridor. Smaller scale functioning corridors exist as intermittent drainage channels and small patches of narrow vegetation. Both small and large scale corridors are important to protect and enhance.

f. Regulatory Setting. Regulatory authority over biological resources is shared by federal, State, and local authorities under a variety of statutes and guidelines. Primary authority for general biological resources lies within the land use control and planning authority of local jurisdictions, in this instance, the County of San Luis Obispo. The CDFG is a trustee agency for biological resources throughout the state under CEQA and also has direct jurisdiction under the California Fish and Game Code (CFGC). Under the state and federal Endangered Species Acts, the CDFG and the USFWS also have direct regulatory authority over species formally listed as Threatened or Endangered. Section 3503 of the CFGC prohibits the take, possession, or needless destruction of birds, their nests, or eggs. Additionally, Section 3503.5 of the CFGC protects birds of prey, their nests and eggs against take, possession, or destruction. Potential nesting and roosting sites for birds-of-prey and other migratory birds are also protected by the Migratory Bird Treaty Act (MBTA). Abiding by the CFGC and the MBTA usually means avoiding removal of trees with active nests or disturbance of the nests until such time as the adults and young are no longer reliant on the nest site. The provision also includes any disturbance that causes a nest to fail and/or a loss of reproductive effort.

USFWS Permitting Process. Pursuant to the Federal Endangered Species Act (FESA), a permit from USFWS is required for take of a federally listed species through either the FESA Section 7 or Section 10 process.

Clean Water Act. Wetlands are protected on a federal, State, and local level. Wetland and riparian communities may be subject to Army Corps of Engineers (Corps) jurisdiction as waters of the U.S. pursuant to Section 404 of the federal Clean Water Act. Protection for wetlands and riparian habitat is also afforded through the CFGC and the state Clean Water Act (Porter-Cologne Act), the latter administered by the RWQCB. Corps permits for discharges of dredged or fill material into wetlands and waters also requires a CWA Section 401 water quality certification from the RWQCB. Any activity that would remove or otherwise alter wetland and riparian habitat types is closely scrutinized by the regulatory agencies through the CEQA review process and then later through the CDFG and Corps permitting processes.

Figure 4.3-1: Vegetative Formations Overlay

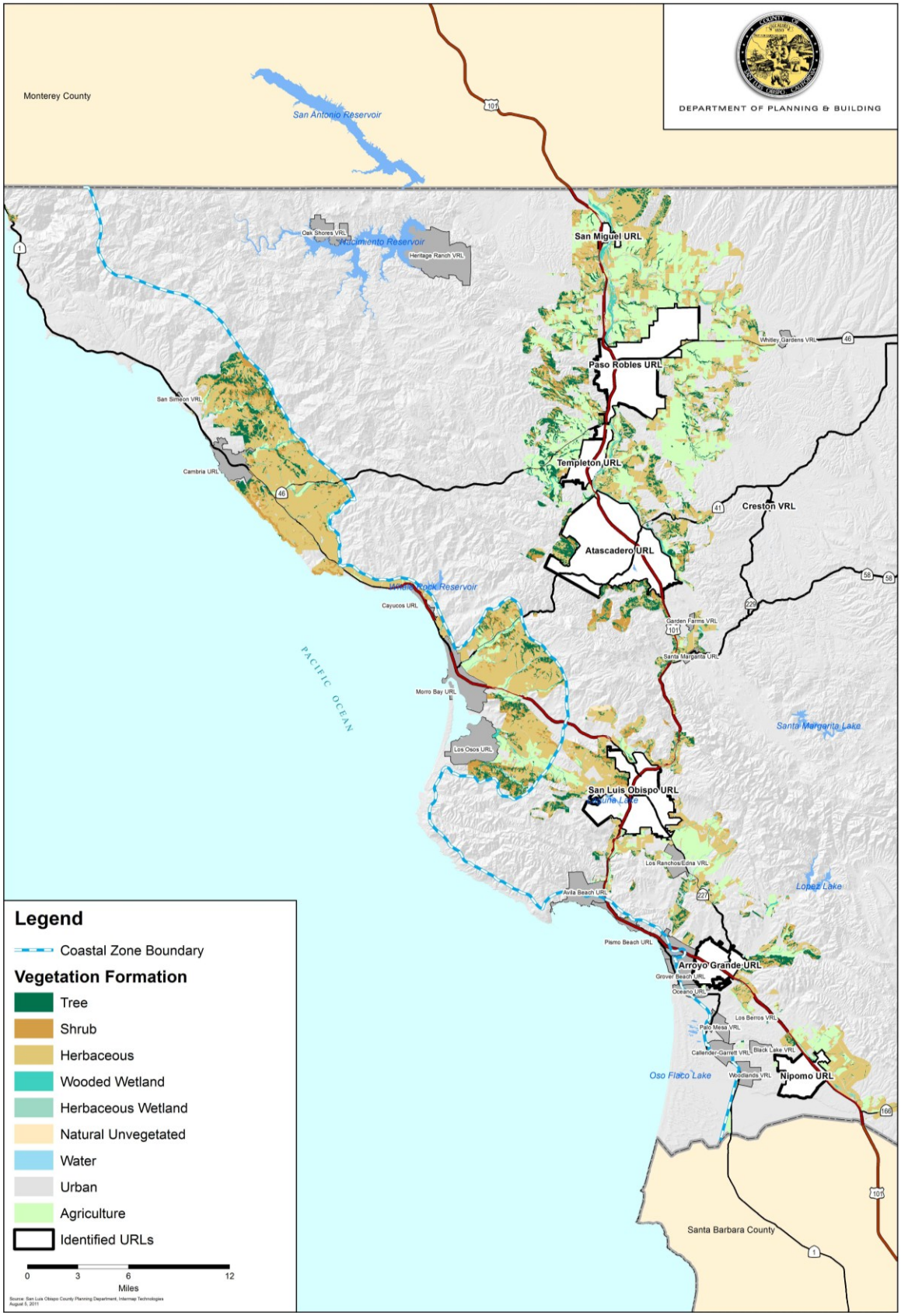

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Figure 4.3-2: Oak Woodlands Overlay

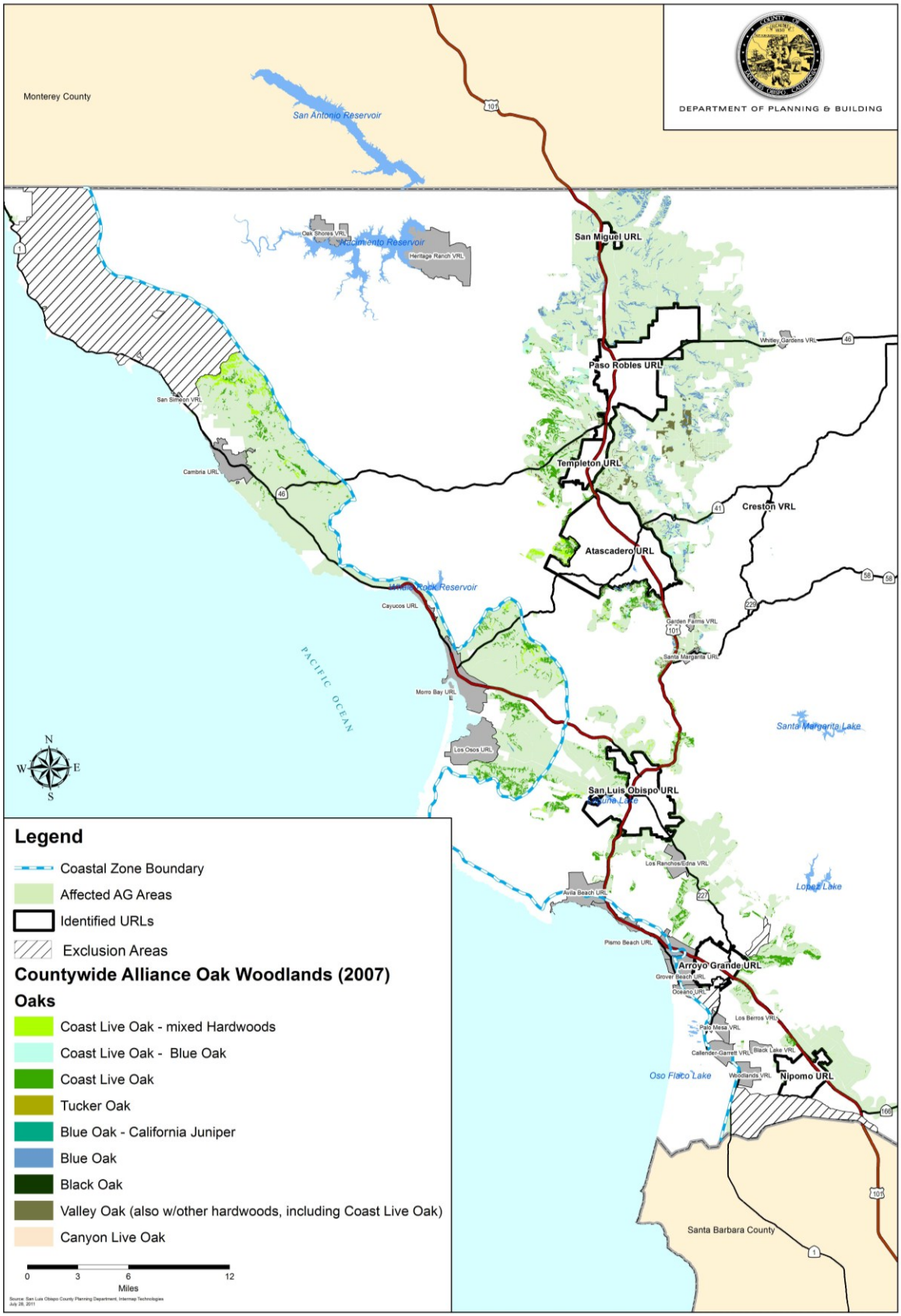

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Figure 4.3-3: CNDDB Special-status Species Overlay

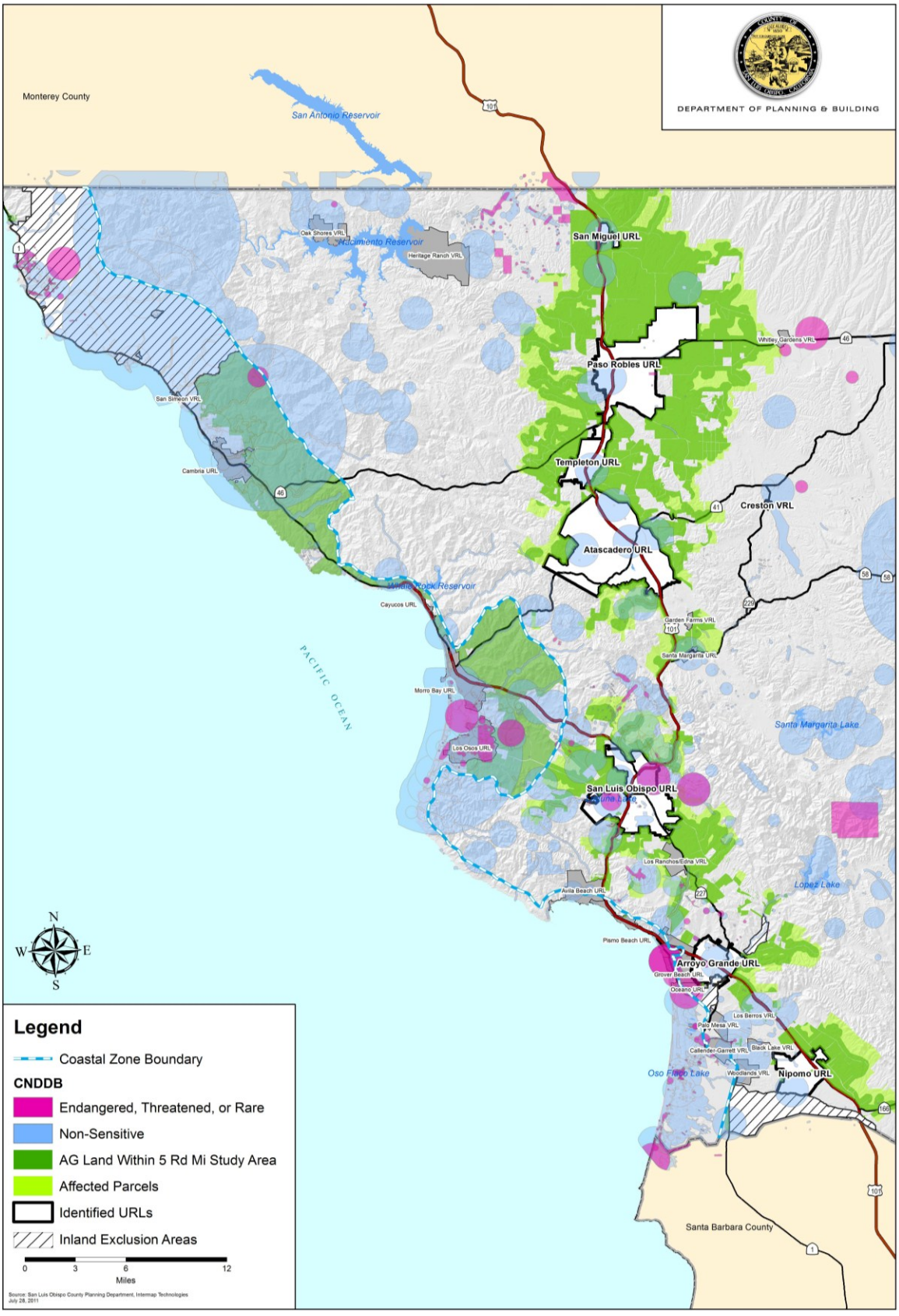

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Figure 4.3-4: Kit Fox Mitigation Fee Area Overlay

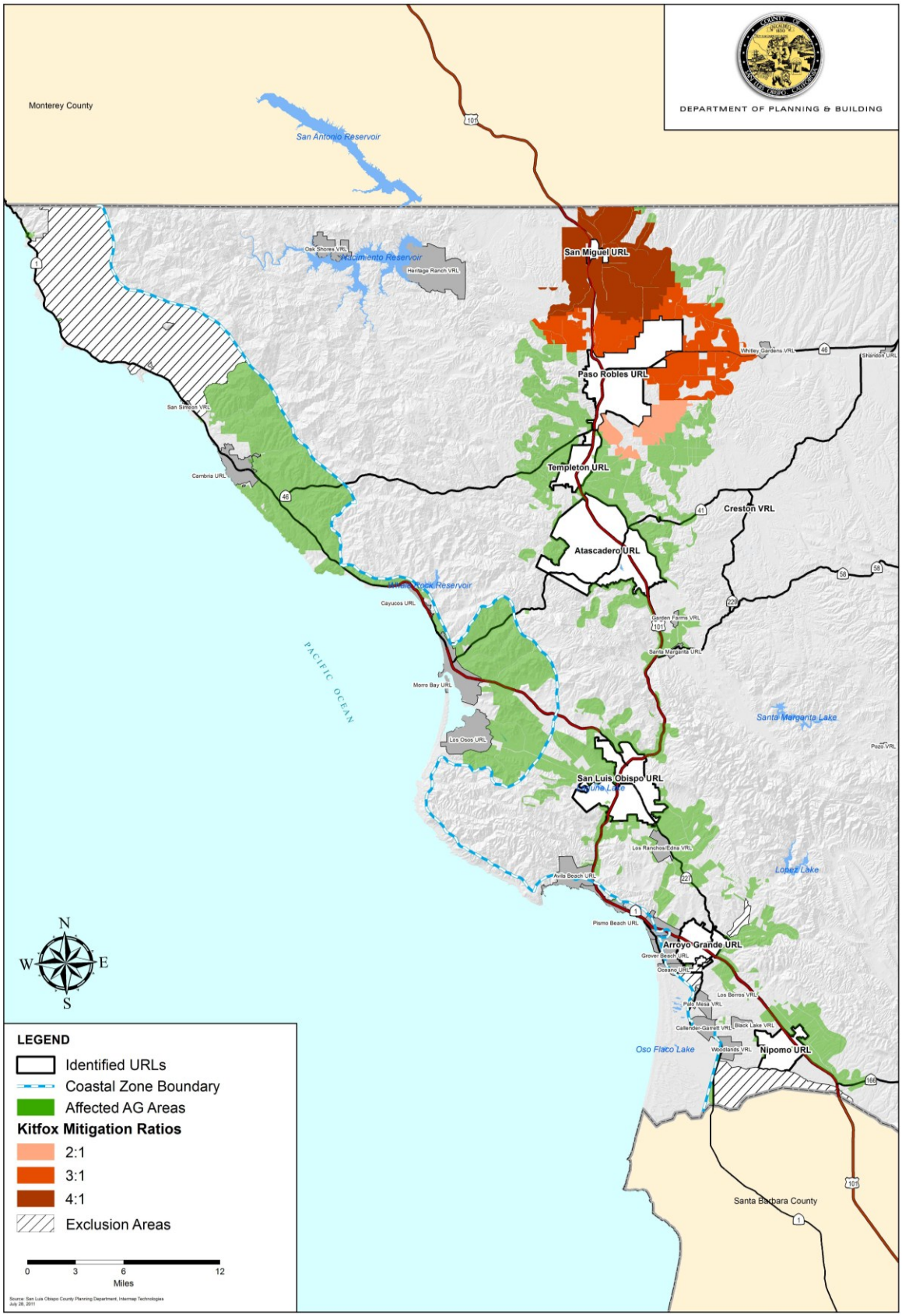

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Table 4.3-3: Natural Communities/Habitat Types and Potential/Known Occurrences within Project Area

Natural Communities/Habitat Types	Adelaida	El Pomar-Estrella	Estero	Huasna-Lopez	Las Pilitas	Los Padres	Nacimiento	North Coast	Salinas River	San Luis Bay Coastal	San Luis Bay Inland	San Luis Obispo	Shandon-Carrizo	South County Coastal	South County Inland
Agricultural Land[2]	●	●	●	●	●	●		●	●	●	●	●	●	●	●
Alvord Oak Woodland	●						●						●		
Beaches and Coastal Dunes[2]			●					●		●				●	
Black Oak Forest	●												●		
Blue Brush Chaparral											●				
Blue Oak Woodlands	●	●		●	●	●	●		●				●		●
Buck Brush Chaparral	●	●	●	●	●	●	●	●	●			●	●		●
Central (Lucian) Coastal Scrub			●	●				●		●	●	●		●	●
Central Coast Arroyo Willow Riparian			●												
Central Coast Cottonwood-Sycamore Riparian	●	●					●		●						
Central Coast Live Oak Riparian Forest							●	●							
Central Dune Scrub[1]			●								●			●	●
Chamise Chaparral	●	●		●	●	●	●	●	●	●	●	●	●		
Central Foredunes[1]										●				●	
Central Maritime Chaparral[1]			●					●		●	●	●			
Coast Live Oak Forest	●	●	●	●	●	●	●	●	●	●	●	●			●
Coast Live Oak Woodlands	●			●		●		●	●	●	●	●			●
Coast Range Ponderosa Pine Forest							●	●				●			
Coastal and Valley Freshwater Marsh[1]			●							●		●		●	●
Coastal Brackish Marsh[1]			●												
Coulter Pine Forest	●					●	●						●		
Diablan Sage Scrub		●		●	●	●			●			●	●		●
Foothill Pine-Oak Woodlands	●	●		●	●	●	●	●	●				●		
Leather Oak Chaparral							●		●			●			
Mixed Evergreen Forest	●					●	●	●	●			●			

Table 4.3-3: Natural Communities/Habitat Types and Potential/Known Occurrences within Project Area

Natural Communities/Habitat Types	Adelaida	El Pomar-Estrella	Estero	Huasna-Lopez	Las Pilitas	Los Padres	Nacimiento	North Coast	Salinas River	San Luis Bay Coastal	San Luis Bay Inland	San Luis Obispo	Shandon-Carrizo	South County Coastal	South County Inland
Mixed Serpentine Chaparral	●						●	●	●		●	●			
Monterey Pine Forest[1]								●							
Mule Fat Scrub				●										●	●
Non-Native Grassland	●	●	●	●	●	●	●	●	●	●	●	●	●		●
Northern Coastal Salt Marsh[1]			●												
Northern Interior Cypress Forest[1]									●			●			
Open Foothill Pine Forest	●	●			●	●	●						●		
Orchard or Vineyard[2]	●	●							●				●		
Permanently-flooded Lacustrine Habitat	●		●	●	●		●					●			●
Red Shank Chaparral	●														
Sandy Area Other than Beaches[2]		●							●					●	
Semi-Desert Chaparral				●		●							●		
Serpentine Bunchgrass[1]												●			
Serpentine Foothill Pine-Chaparral Woodlands									●						
Urban or Built-up Land[2]	●	●	●					●	●	●	●	●	●		●
Valley Needlegrass Grassland[1]			●								●				
Valley Oak Woodland[1]	●				●		●		●						
Venturan Coastal Sage Scrub	●		●	●		●						●	●		●

Source:
CNDDB (database queried on January 20, 2011)
Notes:
[1] CNDDB Communities
[2] Habitat Type Provided by the County and not included in Holland 1986

Table 4.3-4: Sensitive Plant Species Potential/Known Occurrences within Project Area

Scientific Name	Common Name	Federal/State/CNPS/CDFG	Adelaida	El Pomar-Estrella	Estero	Huasna-Lopez	Las Pilitas	Los Padres	Nacimiento	North Coast	Salinas River	San Luis Bay Coastal	San Luis Bay Inland	San Luis Obispo	Shandon-Carrizo	South County Coastal	South County Inland
Abies bracteata	bristlecone fir	none/none/1B.3/S2.3							●	●							
Agrostis hooveri	Hoover's bent grass	none/none/1B.2/S2.2					●	●				●	●				●
Allium hickmanii	Hickman's onion	none/none/1B.2/S2.2								●							
Antirrhinum ovatum	oval-leaved snapdragon	none/none/4.2/S3.2		●							●				●		
Arctostaphylos cruzensis	Arroyo de la Cruz manzanita	none/none/1B.2/S2.2	●		●				●	●		●	●	●			
Arctostaphylos luciana	Santa Lucia manzanita	none/none/1B.2/S2.2	●		●			●			●			●			
Arctostaphylos morroensis	Morro manzanita	T/none/1B.1/S2.2			●								●	●			
Arctostaphylos osoensis	Oso manzanita	none/none/1B.2/S1.2			●												
Arctostaphylos pechoensis	Pecho manzanita	none/none/1B.2/S2.2	●		●			●				●	●	●			
Arctostaphylos pilosula	Santa Margarita Manzanita	none/none/1B.2/S2.2	●			●	●	●	●		●		●	●			
Arctostaphylos rudis	sand mesa manzanita	none/none/1B.2/S2.2															●
Arctostaphylos tomentosa ssp. daciticola	dacite manzanita	none/none/1B.1/S1.1			●												
Arctostaphylos wellsii	Wells's manzanita	none/none/1B.1/S2.1				●					●	●	●	●			●
Arenaria paludicola	marsh sandwort	E/E/1B.1/S1.1			●							●	●			●	●
Astragalus didymocarpus var. milesianus	Miles's milk-vetch	none/none/1B.2/S2.2	●	●	●	●					●			●			●

Table 4.3-4: Sensitive Plant Species Potential/Known Occurrences within Project Area

Scientific Name	Common Name	Federal/State/CNPS/CDFG	Adelaida	El Pomar-Estrella	Estero	Huasna-Lopez	Las Pilitas	Los Padres	Nacimiento	North Coast	Salinas River	San Luis Bay Coastal	San Luis Bay Inland	San Luis Obispo	Shandon-Carrizo	South County Coastal	South County Inland
Atriplex joaquiniana	San Joaquin spearscale	none/none/1B.2/S2.1			●												
Atriplex serenana var. davidsonii	Davidson's saltscale	none/none/1B.2/S2														●	●
Baccharis plummerae ssp. glabrata	San Simeon baccharis	none/none/1B.2/S1.2	●							●							
California macrophylla	round-leaved filaree	none/none/1B.1/S3.1		●				●	●		●				●		
Calochortus obispoensis	San Luis mariposa lily	none/none/1B.2/S2.1			●					●	●		●	●			
Calyptridium parryi var. hesseae	Santa Cruz Mountains pussypaws	none/none/1B.1/S2	●														
Calystegia subacaulis ssp. episcopalis	Cambria morning-glory	none/none/1B.2/S1.2			●					●	●		●	●			
Carex obispoensis	San Luis Obispo sedge	none/none/1B.2/S2.2	●		●		●	●	●	●	●			●			
Castilleja densiflora ssp. obispoensis	Obispo Indian paintbrush	none/none/1B.2/S2.2	●		●					●	●	●	●	●			
Castilleja ambigua ssp. insalutata	Pink johnny nip	none/none/1B.1/S1								●				●			
Caulanthus coulteri var. lemmonii	Lemmon's jewelflower	none/none/1B.2/S2.2	●					●	●		●				●		
Ceanothus hearstiorum	Hearst's ceanothus	none/R/1B.2/S1.2								●							
Centromadia parryi ssp. congdonii	Congdon's tarplant	none/none/1B.2/S3.2			●									●			
Chlorogalum pomeridianum var. minus	dwarf soaproot	none/none/1B.2/S1.2									●			●			
Chorizanthe breweri	Brewer's spineflower	none/none/1B.3/S2.2			●					●	●		●	●			

Table 4.3-4: Sensitive Plant Species Potential/Known Occurrences within Project Area

Scientific Name	Common Name	Federal/State/CNPS/CDFG	Adelaida	El Pomar-Estrella	Estero	Huasna-Lopez	Las Pilitas	Los Padres	Nacimiento	North Coast	Salinas River	San Luis Bay Coastal	San Luis Bay Inland	San Luis Obispo	Shandon-Carrizo	South County Coastal	South County Inland
Chorizanthe rectispina	straight-awned spineflower	none/none/1B.3/S1.2	●	●			●	●			●		●		●		
Cirsium fontinale var. obispoense	Chorro Creek bog thistle	E/E/1B.2/S1.2	●					●		●	●			●			
Cirsium loncholepis	La Graciosa thistle	E/T/1B.1/S2.2										●	●	●		●	
Cirsium occidentale var. compactum	compact cobwebby thistle	none/none/1B.2/S2.1			●					●							
Cladium californicum	California saw-grass	None/none/2.2/S2.2														●	●
Clarkia speciosa ssp. immaculata	Pismo clarkia	E/R/1B.1/S1.1											●	●			●
Deinandra increscens ssp. foliosa	leafy tarplant	none/none/1B.2/S2.2				●	●	●		●			●	●			
Delphinium parryi ssp. blochmaniae	dune larkspur	none/none/1B.2/S2.2						●						●		●	●
Dudleya abramsii ssp. bettinae	San Luis Obispo serpentine dudleya	none/none/1B.2/S1.2	●		●									●			
Dudleya abramsii ssp. murina	San Luis Obispo dudleya	none/none/1B.3/S2.3			●								●	●			
Dudleya blochmaniae ssp. blochmaniae	Blochman's dudleya	none/none/1B.1/S2.1	●		●					●				●			
Erigeron blochmaniae	Blochman's leafy daisy	none/none/1B.2/S2.2			●							●	●			●	●
Eryngium aristulatum var. hooveri	Hoover's button-celery	none/none/1B.1/S2.1								●				●			
Fritillaria viridea	San Benito fritillary	none/none/1B.2/S3.2			●						●			●			
Galium californicum ssp. luciense	Cone Peak bedstraw	None/none/1B.3/S2.3								●							

Table 4.3-4: Sensitive Plant Species Potential/Known Occurrences within Project Area

Scientific Name	Common Name	Federal/State/CNPS/CDFG	Adelaida	El Pomar-Estrella	Estero	Huasna-Lopez	Las Pilitas	Los Padres	Nacimiento	North Coast	Salinas River	San Luis Bay Coastal	San Luis Bay Inland	San Luis Obispo	Shandon-Carrizo	South County Coastal	South County Inland
Horkelia cuneata ssp. puberula	mesa horkelia	none/none/1B.1/S2.1		●						●	●	●	●	●			
Horkelia cuneata ssp. sericea	Kellogg's horkelia	none/none/1B.1/S1.1								●	●					●	●
Juncus luciensis	Santa Lucia dwarf rush	None/none/B1.2/S3	●	●													
Lasthenia macrantha ssp. macrantha	perennial goldfields	none/none/1B.2/S2.2															
Layia jonesii	Jones's layia	none/none/1B.2/S1.1	●		●							●	●	●	●		
Lepidium jaredii ssp. jaredii	Jared's pepper-grass	none/none/1B.2/S1.2		●							●				●		
Lupinus ludovicianus	San Luis Obispo County lupine	none/none/1B.2/S2.2				●	●				●		●				
Lupinus nipomensis	Nipomo Mesa lupine	E/E/1B.1/S1.1														●	●
Malacothamnus palmeri var. involucratus	Carmel Valley bush mallow	none/none/1B.2/S2.2	●							●	●						
Malacothamnus palmeri var. palmeri	Santa Lucia bush mallow	none/none/1B.2/S2.2	●							●	●						
Monardella crispa	crisp monardella	none/none/1B.2/S2.2			●							●				●	●
Monardella frutescens	San Luis Obispo monardella	none/none/1B.2/S2.2			●							●	●			●	●
Monardella palmeri	Palmer's monardella	none/none/1B.2/S2.2			●		●		●	●	●			●			
Nasturtium gambelii	Gambel's water cress	E/T/1B.1/S1.1														●	●
Navarretia nigelliformis ssp. radians	shining navarretia	none/none/1B.2/S1.1	●	●							●				●		

Table 4.3-4: Sensitive Plant Species Potential/Known Occurrences within Project Area

Scientific Name	Common Name	Federal/State/CNPS/CDFG	Adelaida	El Pomar-Estrella	Estero	Huasna-Lopez	Las Pilitas	Los Padres	Nacimiento	North Coast	Salinas River	San Luis Bay Coastal	San Luis Bay Inland	San Luis Obispo	Shandon-Carrizo	South County Coastal	South County Inland
Pinus radiate	Monterey pine	none/none/1B.1/S1.1								●							
Sanicula maritima	adobe sanicle	none/R/1B.1/S2.2			●					●				●			
Scrophularia atrata	black-flowered figwort	none/none/1B.2/S2.2										●	●				
Senecio aphanactis	rayless ragwort	none/none/2.2/S1.2		●				●						●	●		
Streptanthus albidus ssp. peramoenus	most beautiful jewel-flower	none/none/1B.2/S2.2	●		●				●	●	●		●	●			
Sulcaria isidiifera	splitting yarn lichen	none/none/none/S1.1			●												
Symphyotrichum defoliatum	San Bernardino aster	none/none/1B.2/S3.2		●								●	●		●	●	●
Triteleia ixioides ssp. Cookie	Cook's triteleia	none/none/1B.3/S2.3	●						●	●							

Source:
CNDDB (database queried on January 20, 2011)

Notes:
Federal: **T** = threatened, **E** = endangered, **C** = candidate
State: **T** = threatened, **E** = endangered, **R** = rare

California Native Plant Society (CNPS):
List **1B** = rare, threatened, endangered, in California and elsewhere.
List **2** = rare, threatened, or endangered in California, but more common elsewhere.
.1 - Seriously endangered in California (over 80% of occurrences threatened / high degree and immediacy of threat)
.2 – Fairly endangered in California (20-80% occurrences threatened)
.3 – Not very endangered in California (<20% of occurrences threatened or no current threats known)

California Department of Fish and Game (CDFG):
S1 = Less than 6 viable Element Occurrences (Eos) or less than 1,000 individuals or less than 2,000 acres;

Table 4.3-4: Sensitive Plant Species Potential/Known Occurrences within Project Area

Scientific Name	Common Name	Federal/State/CNPS/CDFG	Adelaida	El Pomar-Estrella	Estero	Huasna-Lopez	Las Pilitas	Los Padres	Nacimiento	North Coast	Salinas River	San Luis Bay Coastal	San Luis Bay Inland	San Luis Obispo	Shandon-Carrizo	South County Coastal	South County Inland

S1.1 = very threatened,
S1.2 = threatened,
S1.3 = not very threatened or no current threats known.
S2 = 6-20 Eos or 1,000-3,000 individuals or 2,000-10,000 acres;
S2.1 = very threatened,
S2.2 = threatened,
S2.3 = not very threatened or no current threats known.
S3 = 21-80 Eos or 3,000-10,000 individuals or 10,000-50,000 acres
S3.1 = very threatened,
S3.2 = threatened,
S3.3 = not very threatened or no current threats known.

Table 4.3-5: Sensitive Animal Species Potential/Known Occurrences within Project Area

Scientific Name	Common Name	Federal/State/CDFG	Adelaida	El Pomar-Estrella	Estero	Huasna-Lopez	Las Pilitas	Los Padres	Nacimiento	North Coast	Salinas River	San Luis Bay Coastal	San Luis Bay Inland	San Luis Obispo	Shandon-Carrizo	South County Coastal	South County Inland
Accipiter cooperii	Cooper's hawk	none/none/SC			●		●	●	●		●	●	●		●	●	
Anniella pulchra pulchra	silvery legless lizard	none/none/SC		●	●			●	●		●				●	●	
Antrozous pallidus	pallid bat	none/none/SC	●		●					●	●			●	●		
Aquila chrysaetos	golden eagle	none/none/S3	●								●						
Branchinecta lynchi	vernal pool fairy shrimp	T/none/none	●	●				●			●			●	●		
Buteo regalis	ferruginous hawk	none/none/SC	●							●	●			●			
Charadrius alexandrinus nivosus	western snowy plover	T/none/SC			●							●				●	
Cicindela hirticollis gravida	sandy beach tiger beetle	none/none/S1			●							●				●	
Coccyzus americanus occidentalis	western yellow-billed cuckoo	C/E/none												●			
Corynorhinus townsendii	Townsend's big-eared bat	none/none/SC							●	●	●			●			
Cypseloides niger	black swift	none/none/SC								●							
Danaus plexippus	monarch butterfly	TP/none/none	●		●					●		●	●	●		●	●
Dipodomys heermanni morroensis	Morro Bay kangaroo rat	E/E/none			●												
Emys (=Clemmys) marmorata pallida	southwestern pond turtle	none/none/SC	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
Eucyclogobius newberryi	tidewater goby	E/none/SC	●		●					●		●	●			●	

Table 4.3-5: Sensitive Animal Species Potential/Known Occurrences within Project Area

Scientific Name	Common Name	Federal/State/CDFG	Adelaida	El Pomar-Estrella	Estero	Huasna-Lopez	Las Pilitas	Los Padres	Nacimiento	North Coast	Salinas River	San Luis Bay Coastal	San Luis Bay Inland	San Luis Obispo	Shandon-Carrizo	South County Coastal	South County Inland
Eumops perotis californicus	western mastiff bat	none/none/SC												●			
Euphilotes enoptes smithi	Smith's blue butterfly	E/none/none								●							
Laterallus jamaicensis coturniculus	California black rail	none/T/none			●											●	
Linderiella occidentalis	California linderiella	none/none/S2S3									●			●			
Neotoma lepida intermedia	San Diego desert woodrat	none/none/SC			●							●	●				
Oncorhynchus mykiss irideus	steelhead - south/central California coast esu	T/none/none	●		●	●			●	●	●	●	●	●		●	
Perognathus inornatus inornatus	San Joaquin pocket mouse	none/none/S2S3	●								●				●		
Perognathus inornatus psammophilus	Salinas pocket mouse	none/none/SC	●								●						
Phrynosoma coronatum (frontale population)	Coast (California) horned lizard	none/none/SC			●								●	●	●		
Plebejus icarioides moroensis	Morro Bay blue butterfly	none/none/S1S3			●											●	
Polyphylla nubila	Atascadero June beetle	none/none/S1									●			●			
Pyrgulopsis taylori	San Luis Obispo pyrg	none/none/S1			●			●			●			●			
Rana aurora draytonii	California red-legged frog	T/none/SC	●		●	●		●		●	●	●	●	●	●	●	●
Rana boylii	foothill yellow-legged frog	none/none/SC								●							
Spea (=Scaphiopus) hammondii	western spadefoot	none/none/SC	●	●			●	●			●				●		●

Table 4.3-5: Sensitive Animal Species Potential/Known Occurrences within Project Area

Scientific Name	Common Name	Federal/State/CDFG	Adelaida	El Pomar-Estrella	Estero	Huasna-Lopez	Las Pilitas	Los Padres	Nacimiento	North Coast	Salinas River	San Luis Bay Coastal	San Luis Bay Inland	San Luis Obispo	Shandon-Carrizo	South County Coastal	South County Inland
Taricha torosa torosa	Coast Range newt	none/none/SC	●			●				●	●						
Taxidea taxus	American badger	none/none/SC	●	●	●	●		●			●		●	●	●	●	●
Thamnophis hammondii	two-striped garter snake	none/none/SC	●			●		●		●						●	
Vulpes macrotis mutica	San Joaquin kit fox	E/T/none	●	●				●			●				●		

Source:
CNDDB (database queried on July 30, 2009)
Notes:
Federal: **C** = candidate, **T** = threatened, **E** = endangered
State: **T** = threatened, **E** = endangered
California Department of Fish and Game (CDFG):
SC = Species of Concern
S1 = Less than 6 viable Element Occurrences (Eos) or less than 1,000 individuals or less than 2,000 acres;
- **S1.1** = very threatened,
- **S1.2** = threatened,
- **S1.3** = not very threatened or no current threats known.

S2 = 6-20 Eos or 1,000-3,000 individuals or 2,000-10,000 acres;
- **S2.1** = very threatened,
- **S2.2** = threatened,
- **S2.3** = not very threatened or no current threats known.

S3 = 21-80 Eos or 3,000-10,000 individuals or 10,000-50,000 acres
- **S3.1** = very threatened,
- **S3.2** = threatened,
- **S3.3** = not very threatened or no current threats known.

4.3.2 Impact Analysis

a. Methodology and Significance Thresholds. This impact assessment focuses on identifying potential project-related impacts associated with implementation of the proposed Agricultural Cluster Subdivision Program which focuses on future subdivision, grading and site development for residential subdivision clusters on agricultural lands, and is based on details presented within the project description (refer to Section 2.0). Where potential project related impacts to sensitive resources have been identified, measures for avoiding or minimizing adverse effects to these resources have been recommended.

Impacts to biological resources within the project area have been evaluated by determining the sensitivity, significance, or rarity of each resource that will be adversely affected by the proposed project, and thresholds of significance have been applied to determine if the impact constitutes a significant impact. The significance threshold may be different for each habitat or species and is based on the resource's rarity or sensitivity and the level of impact that would result from the proposed project.

Wildlife movement corridors and habitat linkages are generally defined as connections between habitat patches that allow for physical and genetic exchange between otherwise isolated animal populations. Such linkages may serve a local purpose, such as between foraging and nesting areas, breeding and refuge areas, or they may be regional in nature. Some habitat linkages may serve as migration corridors, wherein animals periodically move away from an area and then subsequently return. A group of habitat linkages in an area can form a wildlife corridor network. Habitat linkages are generally areas by which larger, separate areas of similar habitat values are connected physically. The habitats within the link do not necessarily need to be the same as the habitats that are being linked, they merely need to contain sufficient cover and forage to allow temporary inhabitation by ground-dwelling species.

Typically habitat linkages are contiguous strips of natural areas, though dense plantings of landscape vegetation can serve for certain urban-tolerant species. Depending on the species intended to utilize a corridor, specific physical resources (such as rock outcroppings, vernal pools, oak trees) need to be located within the habitat link at certain intervals to allow slower-moving species to traverse the link. For highly mobile or avian species, habitat linkages may be discontinuous patches of suitable resources, spaced sufficiently close to permit travel along a route in a short period of time.

To satisfy CEQA requirements, conclusions are made regarding the significance of each identified impact that would result from the proposed Agricultural Cluster Subdivision Program. Appropriate criteria have been identified and used to make these significance conclusions. The following significance criteria for biological resources were derived from the San Luis Obispo County Environmental Checklist, previous environmental analyses and from the CEQA Guidelines (Appendix G, Environmental Checklist Form, Section IX). Impacts resulting from implementation of the proposed program would be considered significant and would require mitigation if the project would:

- *Have a substantial adverse impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service.* Refer to Impact BR-1, below.
- *Reduce the extent, diversity or quality of native or other important vegetation.* Refer to Impact BR-1, below.
- *Adversely impact federally protected wetlands (including, but not limited to, marsh, vernal pool, Coastal, etc.) either individually or in combination with the known or probable impacts of other activities through direct removal, filling, hydrological interruption, or other means.* Refer to Impact BR-1, below.
- *Have a substantial adverse impact, either directly or through habitat modifications, on any endangered, rare, or threatened species, as listed in Title 14 of the California Code of Regulations (§670.2 or 670.5) or in Title 50, Code of Federal Regulations (§17.11 or 17.12).* Refer to Impact BR-2, below.
- *Have a substantial adverse impact, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.* Refer to Impact BR-2, below.
- *Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites.* Refer to Impact BR-3, below.
- *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan*. Refer to Section 4.13: Effects Founds Not to be Significant.

b. Project Impacts and Mitigation Measures.

Impact BR-1 The proposed Agricultural Cluster Subdivision Program would modify the County's current development standards, leading to a potential change in development patterns and a change in physical impacts to grasslands, oak woodlands, and other sensitive plant habitat areas within the project area. Compared to the existing ordinance, the program would reduce the potential for grading and site development to impact oak trees, oak woodlands, and sensitive plant habitat areas. Impacts compared to the existing ordinance would therefore be Class III, *less than significant.* However, compared to existing conditions, the program would potentially allow new residential development in areas containing oak trees, oak woodlands, and sensitive plant habitats areas. Impacts compared to existing conditions would be Class II, *significant but mitigable.*

Compared to Development Potential under the Existing Ordinance

When compared to development potential under the existing ordinance, the proposed amendments would reduce the number of residential cluster parcels that could potentially be created in the county from 4,582 to 418, a 91 percent reduction. The program would also introduce the Agricultural Cluster Subdivision Program into the Coastal Zone; however, the Coastal version of the program would only authorize the reconfiguration of existing underlying lots into residential cluster lots, essentially replacing current lot line adjustment procedures with more restrictive agricultural clustering standards.

In addition to reducing development potential, the proposed program would strengthen existing ordinance standards intended to minimize impacts to sensitive plant habitat areas. For example, the program would require residential cluster parcels to be physically contiguous to each other in a single cluster area (or two areas, if environmental conditions warrant) which allows the natural and undeveloped areas of the property to remain intact, as opposed to the layout that would and has occurred under the existing agricultural cluster ordinance which fragments the open space. Consequently, the proposed amendments would reduce the potential for grading and site development to impact oak trees, oak woodlands, or sensitive plant habitat areas. Compared to the existing ordinance, the program would therefore result in a Class III, *less than significant*, impact.

Compared to Existing Conditions

Compared to existing conditions, the proposed Agricultural Cluster Subdivision Program would allow for the development of up to 418 new single family residences in agricultural areas within five miles of the URLs of Arroyo Grande, Atascadero, San Luis Obispo, San Miguel, Nipomo, Templeton, and Paso Robles. Based on a minimum lot size of 2.5 acres and a maximum lot size of 5 acres, the proposed program could result in the disturbance of between 1,045 and 2,090 acres of undeveloped land (less than one percent of the 223,656 acre project area) for construction, grading, and site preparation activities.

The Agricultural Cluster Subdivision Program would also allow for the reconfiguration of legally established underlying lots in eligible areas of the Coastal Zone (rural North Coast and Estero planning areas, excluding Hearst Ranch) to accommodate residential development. To date, 320 legal underlying lots have been identified in these areas. However, since many of these lots could already be developed in their current configuration with fewer restrictions than would be required under the proposed amendments, only a small percentage of the eligible lots would be likely to participate in the program. Nonetheless, any future reconfiguration would result in ground disturbance activities that could have an impact on sensitive plant habitats.

Development resulting from the program would occur in predominately agricultural areas of the county. In order to minimize impacts to agricultural land, individual cluster projects could be required to locate structures within native grasslands, oak woodlands, and other sensitive habitat areas.

Sensitive habitats are those that are protected or otherwise considered sensitive because of declining acreage by the County, CDFG, RWQCB, and the Corps under CEQA, CWA, and CDFG code. These include CDFG designated plant communities of special concern, wetland and riparian habitats, and waters of the U.S. and State. In addition, sensitive habitats occupied by federally-listed species are also protected by the USFWS under FESA. These habitat types are included in the California Natural Diversity Database (CNDDB) as rare plant communities, because their distribution in the state of California has been greatly reduced. Please refer to Impact BR-2, below, for the discussion of impacts to special-status plant species that occur or have potential to occur.

The following describes restrictive provisions under the proposed program which are intended to protect agricultural land, but could in turn direct development to sensitive habitat areas:

- *No residential component shall be located on prime agricultural soils.* The planted areas of an agricultural property do not contain native ground cover or vegetation and therefore have low habitat value. Development would not be allowed in these areas when they contain prime agricultural soils. Therefore, in order to comply with this standard, development may have to be located in areas with higher habitat value. Implementation of this standard, however, could also avoid impacts to wetland habitats which tend to occur in areas with prime agricultural soils.

- *Residential cluster parcels shall be located and clustered to provide maximum protection of agricultural land located both on and off site.* This standard, combined with the requirement for agricultural buffers, would discourage residential development in close proximity to agricultural uses. As a result, development could be focused in areas with native vegetation.

As described below, the proposed amendments also include restrictive provisions to minimize impacts to sensitive habitat areas:

- *The residential cluster parcels shall be configured so that property lines are immediately adjacent and physical contiguous to each other and located within a single cluster development area. A maximum of two cluster development areas may be approved only if such a design reduces environmental impacts.* By requiring cluster parcels to be physically contiguous to each other, this standard would minimize the amount of sensitive habitat (e.g. oak woodlands, grass land, etc.) that could potentially be fragmented by new residential development. Open space parcels created under the program would therefore consist of contiguous undeveloped areas, thereby improving habitat connectivity for wildlife.

- *Residential development shall be located to ensure maximum protection of sensitive habitats and minimize erosion.* This standard recognizes the protection of sensitive habitat as an important consideration in the siting of residential development for an agricultural cluster subdivision. Combined with the requirement above, this standard would ensure that residential development avoids sensitive habitat areas to the extent feasible.

Since there are no applications or established timeframes for individual development projects in accordance with the proposed Agricultural Cluster Subdivision Program, it is not possible to determine exact impacts to sensitive habitats, locations, or time period for construction. Nevertheless, new development authorized under the program could potentially impact sensitive habitat areas. Mitigation measures are available to reduce these impacts to less than significant levels. Impacts would therefore be Class II, *significant but mitigitable.*

Mitigation Measures. For all projects with potential impacts to biological resources, the County shall require an investigation of the applicability of various federal, state, and local permit requirements and require verification of all required permits prior to construction. In accordance with agency requirements, in the event that wetland or other jurisdictional habitat loss is not avoidable, mitigation shall be in-kind and on-site at a two to one ratio (or as

otherwise specified by the regulatory agency). It should be noted that, for the purpose of this analysis, sensitive habitats are defined by those listed in Table 4.3-3, unless otherwise augmented by other federal, state, or local agencies. Additional mitigation beyond compliance with the requirements of existing regulations pertaining to biological resources is described below:

BR-1(a) **Sensitive Habitat Survey and Restoration Plan.** During environmental review for future agricultural cluster subdivision projects processed under the proposed ordinance amendments, the County shall require project applicants within potentially sensitive areas and habitats as determined by the County based upon review of the California Natural Diversity Database (CNDDB) to contract with a County approved biologist to survey for sensitive habitats as defined by the County or appropriate state or federal regulatory agencies. If sensitive habitats are found on-site, the applicant shall make all efforts to fully avoid impact to these areas. Where impacts cannot be avoided, the applicant shall contract with a County-approved biologist to develop a Sensitive Habitat Restoration Plan that provides specific measures to enhance and maintain the remaining on-site occurrences of sensitive habitats or to provide off-site mitigation where on-site mitigation cannot fully offset the impact. The Plan shall include the following actions:

- Provide an up-to-date inventory of on-site sensitive habitat(s);
- Define attainable and measurable goals and objectives to achieve through implementation of the Plan;
- Provide site selection and justification;
- Detail restoration work plan including methodologies, restoration schedule, plant materials (seed), and implementation strategies;
- Where off-site mitigation is necessary, establish a ratio for off-site restoration and a mechanism for preservation;
- Provide a detailed maintenance plan to include weeding and or spot spraying to keep non-native plant species from further reducing the extent of this habitat type on the property over time. This approach would also have the residual benefit of providing wildland fire protection. Enhancement and maintenance options shall employ recent techniques and effective strategies for increasing the overall area of the sensitive habitats on-site and shall include but not be limited to reseeding or stock container planting disturbed areas with an appropriate native plant palette;
- Define performance standards. Either in a County approved mitigation site within the proposed development site or in a County approved off-site area, the total restored and/or created area shall include a minimum replacement ratio of 2:1 (sensitive habitat restored and/or created: sensitive habitat impacted) with at least 50% cover of native shrubs. Acreage may vary depending on the location of the mitigation site and restoration effort. The County may require additional acreage for off-site mitigation; and

- Provide a monitoring plan to include methods and analysis of results. Also, include goal success or failure and an adaptive management plan and suggestions for failed restoration efforts.

BR-1(b) **Wetland Delineation.** During environmental review for future agricultural cluster subdivision projects processed under the proposed ordinance amendments, the County shall require project applicants whose land is in potentially sensitive areas as determined by the County to contract with a County approved biologist to conduct a formal wetland delineation. The delineation shall use methodologies accepted by the Corps and CDFG, and as defined by the County or appropriate state or federal regulatory agencies. The biologist shall determine the location and extent of jurisdictional waters of the U.S. and State on the sites.

A Mitigation Plan shall be developed and implemented for areas of disturbance to riparian habitat and other potential wetland areas. The plan shall be prepared by a qualified biologist who is familiar with current Corps and CDFG restoration and mitigation techniques. County required compensatory mitigation shall occur on-site using regionally collected native plant material at a minimum ratio of 2:1 (habitat created to habitat impacted). The resource agencies may require a higher mitigation ratio as a result of the permitting processes.
The plan shall include the following components:

- Description of the impact site (i.e., location, responsible parties, jurisdictional areas to be filled/impacted by habitat type);
- Goal(s) of the compensatory mitigation project (type(s) and area(s) of habitat to be established, restored, enhanced, preserved, and/or created, specific functions and values of habitat type(s) to be established, restored, enhanced, preserved, and/or created (any lost wetland habitat shall be replaced on-site using regionally collected native plant material at a minimum ratio of 2:1);
- Description of the proposed compensatory mitigation-site (location and size, ownership status, existing functions and values of the compensatory mitigation-site);
- Implementation plan for the compensatory mitigation-site (rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan);
- Maintenance activities during the monitoring period (activities, responsible parties, schedule);
- Monitoring plan for the compensatory mitigation-site (performance standards, target functions and values, target hydrological regime, target jurisdictional and non-jurisdictional acreages to be established, restored, enhanced, and/or preserved, annual monitoring reports);

- Completion of compensatory mitigation (notification of completion, agency confirmation);
- Contingency measures (initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism);
- Identification of potential pollutant sources, that may affect the quality of the discharges to stormwater;
- The proposed design and placement of structural and non-structural BMPs to address identified pollutants;
- A proposed inspection and maintenance program;
- A method of ensuring maintenance of all BMPs over the life of the project;
- Long term protection, such as through means of an open space easement;
- A proposed plan for construction worker education; and
- A proposed plan for erosion and sedimentation control including construction BMPs.

Residual Impacts. When compared to development potential under the existing ordinance, impacts would be Class III, *less than significant.* When compared to existing conditions, impacts would be Class II, *significant but mitigable.*

Impact BR-2 The proposed Agricultural Cluster Subdivision Program would modify the County's current development standards, leading to a potential change in development patterns and a change in physical impacts to special-status plant and wildlife species. Compared to the existing ordinance, the program would reduce the potential for grading and site development to adversely affect special-status species. Impacts compared to the existing ordinance would therefore be Class III, *less than significant.* However, compared to existing conditions, the program would allow new residential development in rural/agricultural areas. This development could adversely affect special-status species. Impacts compared to existing conditions would therefore be Class II, *significant but mitigable.*

Compared to Development Potential under the Existing Ordinance

As described under Impact BR-1, the proposed program would reduce agricultural cluster development potential by 91 percent (from 4,582 to 418 units) in the Inland portion of the county, and would replace existing ordinance provisions for lot line adjustments with more restrictive clustering standards in the Coastal Zone. These amendments would substantially reduce the amount of undeveloped land that could be disturbed due to grading and site development activities associated with new agricultural cluster subdivisions.

In addition to reducing development potential, the proposed program would strengthen existing ordinance standards intended to minimize impacts to sensitive habitat areas. For example, the program would require residential cluster parcels to be physically contiguous to each other in a single cluster area (or two areas, if environmental conditions warrant) which allows the natural and undeveloped areas of the property to remain intact, as opposed to the layout that would and has occurred under the existing agricultural cluster ordinance which fragments the open space. Consequently, the proposed amendments would reduce the potential for grading and site development to impact special-status plants and wildlife species. Compared to the existing ordinance, the program would therefore result in a Class III, *less than significant, impact.*

Compared to Existing Conditions

As described under Impact BR-1, the proposed Agricultural Cluster Subdivision Program could lead to between 1,045 and 2,090 acres of site disturbance for the construction of up to 418 new single family residences within five miles of the identified URLs in the Inland portion of the county and additional site disturbance resulting from the reconfiguration of existing underlying lots in the Coastal Zone. Under the proposed amendments, agricultural cluster subdivisions would be subject to restrictive provisions which would minimize impacts to special-status species. This includes requirements for residential cluster parcels to be physically contiguous to each other and to be located to avoid sensitive habitat areas. In addition, 95 percent of participating properties would be preserved undeveloped. Nevertheless, development authorized under the proposed Agricultural Cluster Subdivision Program could potentially impact sensitive special-status species.

The CNDDB has identified 68 special-status plant species and 79 wildlife species within the project area (refer to Figure 4.3-3, Table 4.3-4 and Table 4.3-5). Increased development and associated disturbance results in the direct removal of special-status species through site disturbances such as grading. Special-status species at the edge of developed areas have the potential to become degraded with reduced numbers due to human intrusion associated with recreational use of such areas, invasion of exotic plants, light and noise, erosion and siltation, pollutants in runoff, and wildlife depredation by domestic cats and dogs. Increased development may also result in secondary impacts to special-status species through increased clearance of vegetation adjacent to new residences from fuel reduction for fire risk reduction. Increased development results in construction of additional roads and increased traffic on existing roads, leading to a greater potential for mortality of wildlife. The significance of these impacts is dependent on the nature of development and the value and sensitivity of the adjacent habitat.

Since there are no applications or established timeframes for individual development projects in accordance with the proposed Agricultural Cluster Subdivision Program, it is not possible to determine exact impacts to sensitive habitats, locations, or time period for construction. Nonetheless, potentially significant impacts are expected. Mitigation measures are available to reduce these impacts to less than significant levels. Impacts would therefore be Class II, *significant but mitigable.*

Mitigation Measure. In addition to the Impact BR-1 Mitigation Measures, the following mitigation measures would reduce impacts to the extent feasible.

BR-2(a) **Seasonally-Timed Rare Plant Surveys.** During environmental review for future agricultural cluster subdivision projects processed under the proposed ordinance amendments, the County shall require project applicants to submit seasonally timed floral surveys conducted by a County-approved botanist per the requirements of the County or appropriate State or federal regulatory agencies for projects with the potential to impact special-status plant species. The floral surveys shall be based on the target list of plant species identified by the County based upon review of the California Natural Diversity Database (CNDDB) to be completed during the appropriate season to determine the presence or absence of these species. Up to three separate survey visits may be required to capture the flowering period of all target species. The location and extent of any rare plant occurrences observed on a site shall be documented in a report and accurately mapped onto site-specific topographic maps and aerial photographs. If special-status plant species are identified, the approved botanist shall submit written proof that the County and CDFG have been contacted. If federally-listed plant species are identified, then the USFWS must also be contacted.

BR-2(b) **Special-status Plant Buffer.** If State or Federally listed plant species are found as a result of appropriate plant surveys, site development plans shall be modified as feasible prior to approval of grading or land use permits to avoid such occurrences with a minimum buffer of 50 feet. The applicant shall establish conservation easements for such preserved areas, prior to issuance of the first grading permit. The proposed agricultural cluster subdivision shall be amended at that time to place these areas formally into open space.

BR-2(c) **Special-status Plant Species Mitigation Plan.** If total avoidance of the special-status species occurrences (if any) is economically infeasible or impractical as determined by the Environmental Coordinator, a mitigation program shall be developed prior to approval of grading or land use permits by a qualified botanist under contract with the applicant in consultation with CDFG as appropriate. A research study to determine the best mitigation approach for each particular species to be salvaged shall be conducted to adequately prepare the plan for species that have not been subject to mitigation requirements previously. The special-status plant species mitigation program shall include the following:

- The overall goal and measurable objectives of ensuring a viable core population of special-status species in the mitigation and monitoring plan;
- County required compensatory mitigation shall occur on-site using regionally collected native plant material at a minimum ratio of 2:1 (habitat restored and/or created to habitat impacted).

The County may require additional acreage for off-site mitigation. The resource agencies may require a higher mitigation ratio as a result of the permitting processes. Potential sites for mitigation would be any suitable site within proposed open space, depending on the species, that is appropriately buffered from development;

- Specific habitat management and protection concepts to be used to ensure long-term maintenance and protection of the special-status plant species. (i.e., annual population census surveys and habitat assessments; establishment of monitoring reference sites; fencing of special-status plant species preserves and signage to identify the environmentally sensitive areas; a seasonally-timed weed abatement program; and seasonally-timed seed and/or topsoil collection, propagation, and reintroduction of special-status plant species into specified receiver sites);
- Success criteria based on the goals and measurable objectives to ensure a viable core population(s) on the project site in perpetuity;
- Reporting requirements to ensure consistent data collection and reporting methods used by monitoring personnel; and
- The County may require the applicant to provide the funding for a County Environmental Monitor to oversee and monitor compliance with the mitigation plan. The Environmental Monitor shall assist the County in condition compliance and mitigation monitoring for all applicable construction, operational, and decommissioning stages of the project, as specified in a scope of work, and as approved by the County Department of Planning and Building. The Environmental Monitor shall be under contract to the County of San Luis Obispo, and the entire expense of retaining and supervising the Environmental Monitor, including the County's administrative and overhead fees, shall be paid by the project applicant. The project applicant shall also be responsible for funding work required by mitigation measures requiring use of individuals with special expertise (e.g., botanist, wildlife biologist). The County's Environmental Monitor will coordinate with specialists to ensure their availability at appropriate times (prior to issuance of construction permits, during construction or post-approval).

BR-2(d) **Special-status Plant Monitoring.** If monitoring is necessary, then monitoring shall occur annually and shall last at least five years to ensure the successful establishment of a viable core population of special-status species in the mitigation and monitoring plan. In the case of annual plants it is difficult to determine whether a viable core population has been established in a five year period. Therefore, an important component of the mitigation and monitoring plan shall be adaptive management. The adaptive management program shall address both foreseen and unforeseen circumstances relating to the preservation and

mitigation programs. The plan shall include follow up surveys and remedial measures to address negative impacts to the special-status plant species and their habitats (i.e., removal of weeds, additional seeding/planting efforts) if the species or its habitat have not been successfully established at the time of the follow up surveys.

BR-2(e) **Wildlife Surveys and Mitigation.** For individual projects within sensitive areas as determined by the County, a wildlife survey shall be conducted by a qualified biologist prior to approval of grading permits or land use permits for proposed development areas that may contain sensitive wildlife as defined by the County or appropriate State or federal regulatory agencies. Such surveys shall be required prior to potential development. Appropriate mitigation measures shall be identified by a qualified biologist, and may include one of more of the following measures, as applicable:

- Pet Brochure. Applicants of residential projects adjacent to open space or other habitat areas shall be required to prepare a brochure that informs prospective homebuyers about the impacts associated with non-native animals, especially cats and dogs, and other non-native animals, to sensitive habitat areas. The brochure shall also describe measures homeowners can take to minimize impacts of pets on wildlife. Similarly, the brochures shall inform potential homebuyers of the potential for coyotes or other wildlife to prey on domestic animals in areas where appropriate.

- Relocation. As determined by a qualified biologist in coordination with the appropriate resource agencies, sensitive species shall be relocated from development areas prior to ground disturbing activities.

- Wildlife Habitat Buffer. Wherever site development is proposed adjacent to wildlife habitat an appropriate buffer of native vegetation shall remain or be established between the habitat area and the proposed development, as identified by a qualified biologist.

BR-2(f) **Bird Pre-Construction Survey.** In order to avoid impacts to nesting raptors and other avian species, which could result in take that is prohibited under CDFG Code 3503 and 3503.5 and the federal Migratory Bird Treaty Act, construction activities for projects within areas that include trees or other sites that could include bird nests should be conducted between September 1st and February 1st outside of the peak breeding season. If construction in such areas is to be initiated between February 1st and September 1st, a pre-construction survey should be conducted for nesting avian species (including raptors) within 300 feet of proposed construction activities. If nesting raptors (or any other nesting birds) are identified during pre-construction surveys, an appropriate

buffer; to be determined by a County-approved biologist in coordination with the California Department of Fish and Game, should be imposed within which no construction activities or disturbance should take place. If nests are identified, work may only proceed prior to September 1st if a County-approved biologist conducts periodic nest checks and confirms that the nest is no longer active (i.e. the young have fledged) and work re-initiation has been specifically authorized by the appropriate regulatory agency.

BR-2(g) **Minimize Road Widths.** Roadway widths adjacent to open space/agricultural areas shall be reduced to the minimum width possible, while maintaining Fire Department Requirements for emergency access, with slower speed limits introduced.

BR-2(h) **Permits and Agreements.** In the event that State listed species would be impacted as a result of development, developers shall submit signed copies of an incidental take permit and enacting agreements from the CDFG regarding those species as necessary under Section 2081 of the California Fish and Game Code prior to the initiation of grading or construction activities. If a species that is listed under the Federal Endangered Species Act is identified, developers seeking entitlements shall provide proof of compliance with the Federal Endangered Species Act, inclusive as necessary of signed copies of incidental take permit and associated enacting agreements.

Residual Impacts. When compared to development potential under the existing ordinance, impacts would be Class III, *less than significant.* When compared to existing conditions, impacts would be Class II, *significant but mitigable.*

Impact BR-3 **The proposed Agricultural Cluster Subdivision Program would modify the County's current development standards, leading to a potential change in development patterns and a change in physical impacts to wildlife movement corridors. Compared to the existing ordinance, the program would reduce the potential for grading and site development to permanently affect wildlife movement corridors. Impacts compared to the existing ordinance would therefore be Class III, *less than significant.* However, compared to existing conditions, the program would allow new residential development in rural/agricultural areas. This development could permanently affect wildlife movement corridors. Impacts compared to existing conditions would therefore be Class II, *significant but mitigable.***

Compared to Development Potential under the Existing Ordinance

As described under Impact BR-1, the proposed program would reduce agricultural cluster development potential by 91 percent (from 4,582 to 418 units) in the Inland portion of the county, and would replace existing ordinance provisions for lot line adjustments with more

restrictive clustering standards in the Coastal Zone. These amendments would substantially reduce the amount of undeveloped land that could be disturbed due to grading and site development activities associated with new agricultural cluster subdivisions.

In addition to reducing development potential, the proposed program would strengthen existing ordinance standards intended to minimize impacts to sensitive habitat areas. For example, the program would require residential cluster parcels to be physically contiguous to each other in a single cluster area (or two areas, if environmental conditions warrant) which allows the natural and undeveloped areas of the property to remain intact, as opposed to the layout that would and has occurred under the existing agricultural cluster ordinance which fragments the open space. Consequently, the proposed amendments would reduce the potential for grading and site development to impact wildlife migration corridors. Compared to the existing ordinance, the program would therefore result in a Class III, *less than significant*, impact.

Compared to Existing Conditions

As described under Impact BR-1, the proposed Agricultural Cluster Subdivision Program could lead to between 1,045 and 2,090 acres of site disturbance for the construction of up to 418 new single family residences within five miles of the identified URLs in the Inland portion of the county and additional site disturbance resulting from the reconfiguration of existing underlying lots in the Coastal Zone. Under the proposed amendments, agricultural cluster subdivisions would be subject to restrictive provisions which would minimize impacts to special-status species. This includes requirements for residential cluster parcels to be physically contiguous to each other and to be located to avoid sensitive habitat areas. In addition, 95 percent of participating properties would be preserved undeveloped. Nonetheless, grading and site development under the program could remove or obstruct areas that are considered wildlife movement corridors. One particular area of concern is the North County portion of the project area which contains habitat linkage and movement corridors for the San Joaquin kit fox, an endangered species under the federal ESA and a threatened species under the CESA. Construction of new residences and additional roads along with increased traffic on existing roads, as well as increased fencing and other obstacles, could impact previously undisturbed wildlife movement corridors. Mitigation measures are available to reduce these impacts to less than significant levels. Impacts would therefore be Class II, *significant but mitigable.*

Mitigation Measures. In addition to the Impact BR-1 and BR-2 Mitigation Measures, the following mitigation measures would reduce impacts to the extent feasible:

BR-3(a) **Migration Corridors**. During environmental review for future agricultural cluster subdivision projects processed under the proposed ordinance amendments, the County shall require project applicants to contract with a County-approved biologist to survey for migration corridors. If migration corridors are found on-site or adjacent to the project site, the subdivision, grading and site development shall be designed to accommodate wildlife passage.

BR-3(b) **Fencing Plan.** For individual projects in areas determined to contain wildlife migration corridors, project applicants shall submit to the Department of Planning and Building for review and approval a fencing plan that accommodates for the passage of the identified wildlife species. The plan shall apply to existing fences that may not be removed as part of the project and any future fencing proposed in areas within or outside of the residential development area. The intent of the plan is to ensure that any existing and future fencing has been developed to allow for movement of the identified wildlife species through the project site. The plan shall include, at a minimum, the following:

- Identification of maintained likely and feasible movement pathways;
- Removal of non-essential interior fencing;
- Incorporation of measures to increase visibility of the fence;
- Incorporation of alternatives to wire fencing, such as wooden rail fences with occasional dropped rails for wildlife access or adjustable fencing to allow for seasonable wildlife passage;
- Incorporation of fencing modifications designed to enable movement by identified wildlife species through the designed movement pathways on the project site; and
- Placement of wildlife crossing signs at specific locations along major transportation corridors in the project vicinity to alter drivers of the potential to encounter wildlife crossing the road.

Residual Impacts. When compared to development potential under the existing ordinance, impacts would be Class III, *less than significant.* When compared to existing conditions, impacts would be Class II, *significant but mitigable.*

c. Cumulative Impacts. This section describes the cumulative impacts of the proposed Agricultural Cluster Subdivision Program compared to development potential under both the existing ordinance and existing conditions. The geographic scope for the biological resources cumulative analysis includes agricultural and rural areas within five miles of the identified URLs and eligible areas of the Coastal Zone (the rural North Coast and Estero planning areas, not including Hearst Ranch).

Compared to Development Potential under the Existing Ordinance

When compared to development potential under the existing ordinance, the proposed amendments would reduce the number of residential cluster parcels that could potentially be created in the county from 4,582 to 418, a 91 percent reduction. Although the program would introduce agricultural clustering provisions into the Coastal Zone, it would only allow for the reconfiguration of existing underlying lots, essentially replacing current lot line adjustment procedures with more restrictive agricultural clustering standards. As a result, the proposed amendments would result in fewer impacts to sensitive habitat, special-status plant and wildlife species, and wildlife migration corridors. Cumulative impacts would therefore be Class III, *less than significant*, when compared to the existing ordinance.

Compared to Existing Conditions

Cumulative projects located throughout the project area would have the potential to result in impacts to grasslands, oak woodlands and other sensitive natural communities, special-status plant and wildlife species, and wildlife migration corridors. For example, several cumulative projects listed in Table 3.3-1 are large developments in previously undeveloped areas that would have the potential to result in disturbance to sensitive habitats and special-status species. Two of these projects (Laetitia and Estrella River Vineyard) are major agricultural cluster subdivisions that are being processed under the existing agricultural cluster ordinance. The Laetitia project, located in the South County, proposes 102 new single family residences on a 634 acre agricultural property with oak woodland, wetland, and riparian habitats supporting numerous special-status plant and wildlife species. The Laetitia project is anticipated to directly remove an estimated 300 coast live oak trees, and impact riparian and wetland habitat as well as special-status plant and wildlife species. The Estrella River Vineyard project, located adjacent to the Paso Robles URL in the North County, proposes 18 new single family residences on a 562 acre property containing grasslands and oak woodlands, which provide foraging and nesting habitat for numerous special-status species.

The proposed Agricultural Cluster Subdivision Program could lead to between 1,045 and 2,090 acres of site disturbance for the construction of up to 418 new single family residences within five miles of the identified URLs and additional site disturbance resulting from the reconfiguration of existing underlying lots in the Coastal Zone. Construction, grading, and site preparation activities authorized under the proposed program could potentially impact sensitive habitat areas, special-status plant and wildlife species, and wildlife migration corridors in undeveloped areas in the county. When considered together with the effects of other current and future projects within five miles of the identified Inland URLs and eligible areas of the Coastal Zone, the proposed program's incremental effects on sensitive habitat areas, special-status plant and wildlife species, and wildlife migration corridors would be cumulatively considerable. As discussed in Section 4.3.2(b) above, compliance with the identified mitigation measures and proposed restrictive provisions intended to minimize impacts to biological resources is foreseeable to reduce impacts to a less than significant level for subsequent projects processed under the proposed Agricultural Cluster Subdivision Program. Although biological resource thresholds would be exceeded cumulatively, the project's incremental contribution to the impact would not be significant with the implementation of these mitigation measures, which include specific performance measures. Therefore, cumulative impacts would be considered Class II, *significant but mitigable*, when compared to existing baseline conditions.